

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

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FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

CR 05-1849 JH

SALVADOR ABEYTA,  
*Defendant,*

**MOTION TO MODIFY RELEASE CONDITIONS**


Defendant, through undersigned counsel, hereby moves to modify the conditions of defendant's release on grounds set forth herein.

On September 15, 2005, defendant was released on his own recognizance subject to the supervision of Pretrial Services. Defendant was required to participate in the electronic monitoring program based on the existence of aliases that were found at the time of his arrest in Arizona. Further investigation has revealed that none of the charges associated with the aliases resulted in a conviction. And while defendant denies the uses of an alias, the fact of the lack of any prior felony conviction, even under an alleged assumed identity, negates the possible flight risk that served as the basis for the Arizona magistrate imposition of the additional condition that was later affirmed by this Court at the time of defendant's arraignment.

Accordingly, defendant respectfully moves this Court to delete electronic monitoring as a term and condition of defendant's release. On information and belief, the undersigned believes that counsel for the Government does not oppose this request.

Dated this 22 of September, 2005.

By:



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